THE TENURE OF KINGS AND MAGISTRATES:

PROVING,

That it is Lawfull, and hath been held so through all Ages, for any, who have the Power, to call to account a Tyrant, or wicked KING, and after due conviction, to depose, and put him to death; if the ordinary MAGISTRATE have neglected, or deny'd to doe it.

And that they, who of late so much blame Deposing, are the Men that did it themselves.

Published now the second time with some additions, and many Testimonies also added out of the best & learnedest among Protestant Divines asserting the position of this book.

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THE TENURE OF KINGS And MAGISTRATES.

IF men within themſelves would be govern'd by reaſon, and not generally give up thir underſtanding to a double tyrannie, of Cuſtom from without, and blind affections within, they would diſcerne better, what it is to favour and uphold the Tyrant of a Nation. But being ſlaves within doors, no wonder that they ſtrive ſo much to have the public State conformably govern'd to the inward vitious rule, by which they govern themſelves. For indeed none can love freedom heartilie, but good men; the reſt love not freedom, but licence; which never hath more ſcope or more indulgence then under Tyrants. Hence is it that Tyrants are not oft offended,

nor ſtand much in doubt of bad men, as being all naturally ſervile; but in whom vertue and true worth moſt is eminent, them they feare in earneſt, as by right thir Maiſters, againſt them lies all thir hatred and ſuſpicion. Conſequentlie neither doe bad men hate Tyrants, but have been alwayes readieſt with the falſifi'd names of *Loyalty*, and *Obedience*, to colour over thir baſe compliances. And although ſomtimes for ſhame, and when it comes to thir owne grievances, of purſe eſpecially, they would ſeeme good Patriots, and ſide with the better cauſe, yet when others for the deliverance of thir Countrie, endu'd with fortitude and Heroick vertue to feare nothing but the curſe writt'n againſt thoſe *That doe the worke of the Lord negligently*, would goe on to remove, not only the calamities and thraldoms of a People, but the roots and cauſes whence they ſpring, ſtreight theſe men, and ſure helpers at need, as if they hated only the miſeries but not the miſchiefs, after they have juggl'd and palter'd with the world, bandied and born armes againſt thir King, deveſted him, diſannointed him, nay curs'd him all over in thir Pulpits and thir Pamphlets, to the ingaging of ſincere and real men, beyond what is poſſible or honeſt to retreat from, not only turne revolters from thoſe principles, which only could at firſt move them, but lay the ſtaine of diſloyaltie, and worſe, on thoſe proceedings, which are the neceſſary conſequences of thir own former actions; nor diſlik'd by themſelves, were they manag'd to the intire advantages of thir own Faction; not conſidering the while that he toward whom they boaſted thir new fideli-

Jer. 48. 19.

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tie, counted them accessory; and by those Statutes and Lawes which they so impotently brandish against others, would have doom'd them to a Traytors death, for what they have don already. 'Tis true, that most men are apt anough to civill Wars and commotions as a noveltie, and for a flash hot and active; but through sloth or inconstancie, and weakness of spirit either fainting, ere thir own pretences, though never so just, be half attain'd, or through an inbred falshood and wickednes, betray oft times to destruction with themselves, men of noblest temper joyn'd with them for causes, whereof they in their rash undertakings were not capable.

If God and a good cause give them Victory, the prosecution wherof for the most part, inevitably draws after it the alteration of Lawes, change of Goverment, downfal of Princes with thir families; then comes the task to those Worthies which are the soule of that enterpiize, to be swett and labour'd out amidst the throng and noises of Vulgar and irrational men. Some contesting for privileges, customs, forms, and that old entanglement of Iniquity, thir gibrish Lawes, though the badge of thir ancient slavery. Others who have beene fiercest against thir Prince, under the notion of a Tyrant, and no mean incendiaries of the Warr against him, when God out of his providence and high disposal hath deliver'd him into the hand of thir brethren, on a suddain and in a new garbe of Allegiance, which thir doings have long since cancell'd; they plead for him, pity him, extoll him, protest

teſt againſt thoſe that talk of bringing him to the tryal of Juſtice, which is the Sword of God, ſuperior to all mortal things, in whoſe hand ſoever by apparent ſignes his teſtified will is to put it. But certainly if we conſider who and what they are, on a ſuddain grown ſo pitifull, wee may conclude, thir pitty can be no true, and Chriſtian commiſeration, but either levitie and ſhallowneſs of minde, or elſe a carnal admiring of that worldly pomp and greatneſs, from whence they ſee him fall'n; or rather laſtly a diſſembl'd and ſeditious pity, fain'd of induſtry to begett new diſcord. As for mercy, if it be to a Tyrant, under which Name they themſelves have cited him ſo oft in the hearing of God, of Angels, and the holy Church aſſembl'd, and there charg'd him with the ſpilling of more innocent blood by farr, then ever *Nero* did, undoubtedly the mercy which they pretend, is the mercy of wicked men; and *Prov.* 12.10. their mercies, wee read are cruelties; hazarding the welfare of a whole Nation, to have ſav'd one, whom ſo oft they have tearm'd *Agag*; and vilifying the blood of many *Jonathans*, that have ſav'd *Iſrael*; inſiſting with much niceneſs on the unneceſſarieſt clauſe of thir Covnant wreſted, wherein the feare of change, and the abſurd contradiction of a flattering hoſtilitie had hamperd them, but not ſcrupling to give away for complements, to an implacable revenge, the heads of many thouſand Chriſtians more.

Another ſort there is, who comming in the cours of theſe affaires, to have thir ſhare in great actions, above the form of Law or Cuſtom, at leaſt

leaſt to give thir voice and approbation, begin to ſwerve, and almoſt ſhiver at the Majeſty and grandeur of ſom noble deed, as if they were newly enter'd into a great ſin; diſputing preſidents, forms, and circumſtances, when the Commonwealth nigh periſhes for want of deeds in ſubſtance, don with juſt and faithfull expedition. To theſe I wiſh better inſtruction, and vertue equal to thir calling; the former of which, that is to ſay Inſtruction, I ſhall indeavour, as my dutie is, to beſtow on them; and exhort them not to ſtartle from the juſt and pious reſolution of adhering with all thir ſtrength & aſſiſtance to the preſent Parlament & Army, in the glorious way wherin Juſtice and Victory hath ſet them; the only warrants through all ages, next under immediat Revelation, to excerciſe ſupream power, in thoſe proceedings which hitherto appeare equal to what hath been don in any age or Nation heretofore, juſtly or magnanimouſlie. Nor let them be diſcourag'd or deterr'd by any new Apoſtate Scarcrowes, who under ſhow of giving counſel, ſend out their barking monitories and *memento's*, empty of ought elſe but the ſpleene of a fruſtrated Faction. For how can that pretended counſel bee either ſound or faithfull, when they that give it, ſee not for madneſs and vexation of thir ends loſt, that thoſe Statutes and Scriptures which both falſly and ſcandalouſly, they wreſt againſt their Friends and Aſſociates, would by ſentence of the common adverſarie, fall firſt and heavieſt upon thir own heads. Neither let milde and tender diſpoſitions be fooliſhly ſoftn'd from thir duty and perſeverance,

rance, with the unmaskuline Rhetorick of any puling Priest or Chaplain, sent as a friendly Letter of advice, for fashion sake in privat, and forthwith publisht by the Sender himself, that wee may know how much of friend there was in it, to cast an odious envie upon them, to whom it was pretended to be sent in charitie. Nor let any man be deluded by either the ignorance or the notorious hypocrisie and self-repugnance of our dancing Divines, who have the conscience and the boldness, to come with Scripture in thir mouthes, gloss'd and fitted for thir turnes with a double contradictory sense, transforming the sacred verity of God, to an Idol with two Faces, looking at once two several ways; and with the same quotations to charge others, which in the same case they made serve to justifie themselves. For while the hope to bee made Classic and Provincial Lords led them on, while pluralities greas'd them thick and deep, to the shame and scandal of Religion, more then all the Sects and Heresies they exclaim against, then to fight against the Kings person, and no less a Party of his Lords and Commons, or to put force upon both the Houses, was good, was lawfull, was no resisting of Superior powers; they onely were powers not to be resisted, who countenanc'd the good, and punish't the evil. But now that thir censorious domineering is not suffer'd to be universal, truth and conscience to be freed, Tithes and Pluralities to be no more, though competent allowance provided, and the warme experience of large gifts, and they so good at taking them; yet now to exclude & seize upon impeach't Members,

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to bring Delinquents without exemption to a faire Tribunal by the common National Law againſt murder, is now to be no leſs then *Corah*, *Dathan*, and *Abiram*. He who but erewhile in the Pulpits was a curſed Tyrant, an enemie to God and Saints, lad'n with all the innocent blood ſpilt in three Kingdoms, and ſo to be fought againſt, is now, though nothing penitent or alter'd from his firſt principles, a lawfull Magiſtrate, a Sovran Lord, the Lords anointed, not to be touch'd, though by themſelves impriſon'd. As if this onely were obedience, to preſerve the meere uſeleſs bulke of his perſon, and that onely in priſon, not in the field, and to diſobey his commands, deny him his dignity and office, every where to reſiſt his power but where they thinke it onely ſurviving in thir own faction.

But who in particular is a Tyrant cannot be determin'd in a general diſcours, otherwiſe then by ſuppoſition; his particular charge, and the ſufficient proof of it muſt determin that: which I leave to Magiſtrates, at leaſt to the uprighter ſort of them, and of the people, though in number leſs by many, in whom faction leaſt hath prevaild above the Law of nature and right reaſon, to judge as they find cauſe. But this I dare owne as part of my faith, that if ſuch a one there be, by whoſe Commiſſion, whole maſſachers have been committed on his faithfull Subjects, his Provinces offerd to pawn or alienation, as the hire of thoſe whom he had ſollicited to come in and deſtroy whole Citties and Countries; be he King, or Tyrant, or Emperour, the Sword of Juſtice is above

him; in whose hand soever is found sufficient power to avenge the effusion, and so great a deluge of innocent blood. For if all human power to execute, not accidentally but intendedly, the wrath of God upon evil doers without exception, be of God; then that power, whether ordinary, or if that faile, extraordinary so executing that intent of God, is lawfull, and not to be resisted. But to unfold more at large this whole Question, though with all expedient brevity, I shall here set downe from first beginning, the original of Kings; how and wherfore exalted to that dignitie above thir Brethren; and from thence shall prove, that turning to Tyranny they may bee as lawfully depos'd and punish'd, as they were at first elected: This I shall doe by autorities and reasons, not learnt in corners among Scisms and Heresies, as our doubling Divines are ready to calumniat, but fetch't out of the midst of choicest and most authentic learning, and no prohibited Authors, nor many Heathen, but Mosaical, Christian, Orthodoxal, and which must needs be more convincing to our Adversaries, Presbyterial.

No man who knows ought, can be so stupid to deny that all men naturally were borne free, being the image and resemblance of God himself, and were by privilege above all the creatures, born to command and not to obey: and that they liv'd so. Till from the root of *Adams* transgression, falling among themselves to doe wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutu-

tual injury, and joyntly to defend themſelves againſt any that gave diſturbance or oppoſition to ſuch agreement. Hence came Citties, Townes and Common-wealths. And becauſe no faith in all was found ſufficiently binding, they ſaw it needfull to ordaine ſom authoritie, that might reſtrain by force and puniſhment what was violated againſt peace and common right. This autoritie and power of ſelf-defence and preſervation being originally and naturally in every one of them, and unitedly in them all, for eaſe, for order, and leaſt each man ſhould be his own partial Judge, they communicated and deriv'd either to one, whom for the eminence of his wiſdom and integritie they choſe above the reſt, or to more then one whom they thought of equal deſerving: the firſt was call'd a King; the other Magiſtrates. Not to be thir Lords and Maiſters (though afterward thoſe names in ſom places were giv'n voluntarily to ſuch as had been Authors of ineſtimable good to the people) but, to be thir Deputies and Commiſſioners, to execute, by vertue of thir intruſted power, that juſtice which elſe every man by the bond of nature and of Cov'nant muſt have executed for himſelf, and for one another. And to him that ſhall conſider well why among free Perſons, one man by civil right ſhould beare autority and juriſdiction over another, no other end or reaſon can be imaginable. Theſe for a while govern'd well, and with much equity decided all things at thir own arbitrement: till the temptation of ſuch a power left abſolute in thir hands, perverted them at length to injuſtice

and partialitie. Then did they who now by tryal had found the danger and inconveniences of committing arbitrary power to any, invent Laws either fram'd, or conſented to by all, that ſhould confine and limit the autority of whom they choſe to govern them: that ſo man, of whoſe failing they had proof, might no more rule over them, but law and reaſon abſtracted as much as might be from perſonal errors and frailties. While as the Magiſtrate was ſet above the people, ſo the Law was ſet above the Magiſtrate. When this would not ſerve, but that the Law was either not executed, or miſapply'd, they were conſtrain'd from that time, the onely remedy left them, to put conditions and take Oaths from all Kings and Magiſtrates at thir firſt inſtalment to doe impartial juſtice by Law: who upon thoſe termes and no other, receav'd Allegeance from the people, that is to ſay, bond or Covnant to obey them in execution of thoſe Lawes which they the people had themſelves made, or aſſented to. And this oftimes with expreſs warning, that if the King or Magiſtrate prov'd unfaithfull to his truſt, the people would be disingag'd. They added alſo Counſelors and Parlaments, nor to be onely at his beck, but with him or without him, at ſet times, or at all times, when any danger threatn'd to have care of the public ſafety. Therefore ſaith *Claudius Seſell* a French Stateſman, *The Parliament was ſet as a bridle to the King*; which I inſtance rather, not becauſe our Engliſh Lawyers have not ſaid the ſame long before, but becauſe that French Monarchy is granted by all to be a farr more abſolute then ours. That this and the reſt of what

what hath hitherto been ſpok'n is moſt true, might be copiouſly made appeare throughout all Stories Heathen and Chriſtian; ev'n of thoſe Nations where Kings and Emperours have ſought meanes to aboliſh all ancient memory of the Peoples right by thir encroachments and uſurpations. But I ſpare long inſertions, appealing to the known conſtitutions of both the lateſt Chriſtian Empires in Europe, the Greek and German, beſides the French, Italian, Arragonian, Engliſh, and not leaſt the Scottiſh Hiſtories: not forgetting this onely by the way, that *William* the Norman though a Conqueror, and not unſworn at his Coronation, was compell'd the ſecond time to take oath at S. *Albanes*, ere the people would be brought to yeild obedience.

It being thus manifeſt that the power of Kings and Magiſtrates is nothing elſe, but what is only derivative, transferr'd and committed to them in truſt from the People, to the Common good of them all, in whom the power yet remaines fundamentally, and cannot be tak'n from them, without a violation of thir natural birthright, and ſeeing that from hence *Ariſtotle* and the beſt of Political writers have defin'd a King, him who governs to the good and profit of his People, and not for his own ends, it follows from neceſſary cauſes, that the Titles of Sov'ran Lord, natural Lord, and the like, are either arrogancies, or flatteries, not admitted by Emperours and Kings of beſt note, and diſlikt by the Church both of Jews, *Iſai.* 26. 13. and ancient Chriſtians, as appears by *Tertullian* and others. Although generally the people of Aſia, and with them the Jews alſo, eſpe-

eſpecially ſince the time they choſe a King againſt the advice and counſel of God, are noted by wiſe Authors much inclinable to ſlavery.

Secondly, that to ſay, as is uſual, the King hath as good right to his Crown and dignitie, as any man to his inheritance, is to make the Subject no better then the Kings ſlave, his chattell, or his poſſeſſion that may be bought and ſould. And doubtleſs if hereditary title were ſufficiently inquir'd, the beſt foundation of it would be found either but in courteſie or convenience. But ſuppoſe it to be of right hereditarie, what can be more juſt and legal, if a ſubject for certain crimes be to forfet by Law from himſelf, and poſterity, all his inheritance to the King, then that a King for crimes proportional, ſhould forfet all his title and inheritance to the people: unleſs the people muſt be thought created all for him, he not for them, and they all in one body inferior to him ſingle, which were a kinde of treaſon againſt the dignitie of mankind to affirm.

Thirdly it follows, that to ſay Kings are accountable to none but God, is the ouerturning of all Law and government. For if they may refuſe to give account, then all cov'nants made with them at Coronation; all Oathes are in vaine, and meer mockeries, all Lawes which they ſweare to keep, made to no purpoſe; for if the King feare not God, as how many of them doe not? we hold then our lives and eſtates, by the tenure of his meer grace and mercy, as from a God, not a mortal Magiſtrate, a poſition that none but Court Paraſites or men beſotted would maintain. *Ariſtotle* therefore

fore, whom we commonly allow for one of the beſt interpreters of nature and morality, writes in the fourth of his politics chap. 10. that Monarchy unaccountable, is the worſt ſort of Tyranny; and leaſt of all to be endur'd by free born men. And ſurely no Chriſtian Prince, not drunk with high mind, and prouder then thoſe Pagan *Cæſars* that deifi'd themſelves, would arrogate ſo unreaſonably above human condition, or derogate ſo baſely from a whole Nation of men his Brethren, as if for him only ſubſiſting, and to ſerve his glory; valuing them in compariſon of his owne brute will and pleaſure, no more then ſo many beaſts, or vermin under his Feet, not to be reaſond with, but to be trod on; among whom there might be found ſo many thouſand Men for wiſdom, vertue, nobleneſs of mind, and all other reſpects, but the fortune of his dignity, farr above him. Yet ſome would perſwade us, that this abſurd opinion was King *Davids*; becauſe in the 51 *Pſalm* he cries out to God, *Againſt thee onely have I ſinn'd*; as if *David* had imagin'd that to murder *Uriah* and adulterate his Wife, had bin no ſinn againſt his Neighbour, when as that Law of *Moſes* was to the King expreſly, *Deut.* 17. not to think ſo highly of himſelf above his Brethren. *David* therfore by thoſe words could mean no other, then either that the depth of his guiltineſs was known to God onely, or to ſo few as had not the will or power to queſtion him, or that the ſin againſt God was greater beyond compare then againſt *Uriah*. What ever his meaning were, any wiſe man will ſee that the pathetical words of a Pſalme can be

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no certaine deciſion to a poynt that hath abundantly more certain rules to goe by. How much more rationally ſpake the Heathen King *Demophoon* in a Tragedy of *Euripides* then theſe Interpreters would put upon King *David*, *I rule not my people by Tyranny, as if they were Barbarians, but am my ſelf liable, if I doe unjuſtly, to ſuffer juſtly.* Not unlike was the ſpeech of *Trajan* the worthy Emperor, to one whom he made General of his Prætorian Forces. Take this drawn ſword, ſaith he, to uſe for me, if I reigne well, if not, to uſe againſt me. Thus *Dion* relates. And not *Trajan* onely, but *Theodoſius* the yonger, a Chriſtian Emperor and one of the beſt, cauſd it to be enacted as a rule undenyable and fit to be acknowledg'd by all Kings and Emperors, that a Prince is bound to the Laws; that on the autority of Law the autority of a Prince depends, and to the Laws ought ſubmitt. Which Edict of his remains yet in the *Code* of *Juſtinian. l.* 1. *tit.* 24. as a ſacred conſtitution to all the ſucceeding Emperors. How then can any King in Europe maintain and write himſelf accountable to none but God, when Emperors in thir own imperial Statutes have writt'n and decreed themſelves accountable to Law. And indeed where ſuch account is not fear'd, he that bids a man reigne over him above Law, may bid as well a ſavage Beaſt.

It follows laſtly, that ſince the King or Magiſtrate holds his autoritie of the people, both originaly and naturally for their good in the firſt place, and not his own, then may the people as oft as they ſhall judge it for the beſt, either chooſe him

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or reject him, retaine him or depoſe him though no Tyrant, meerly by the liberty and right of free born Men, to be govern'd as ſeems to them beſt. This, though it cannot but ſtand with plain reaſon, ſhall be made good alſo by Scripture. *Deut.* 17. 14. *When thou art come into the Land which the Lord thy God giveth thee, and ſhalt ſay I will ſet a King over mee, like as all the Nations about mee.* Theſe words confirme us that the right of chooſing, yea of changing thir own Goverment is by the grant of God himſelf in the People. And therfore when they deſir'd a King, though then under another form of goverment, and though thir changing diſpleaſ'd him, yet he that was himſelf thir King, and rejected by them, would not be a hindrance to what they intended, furder then by perſwaſion, but that they might doe therein as they ſaw good, 1 *Sam.* 8. onely he reſerv'd to himſelf the nomination of who ſhould reigne over them. Neither did that exempt the King, as if he were to God onely accountable, though by his eſpecial command anointed. Therfore *David firſt made a Covnant with the Elders of Iſrael, and ſo was by them anointed King,* 2 *Sam.* 5. 3. 1 *Chron.* 11. And *Jehoiada* the Prieſt making *Jehoaſh* King, made a Cov'nant between him and the People, 2 *Kings* 11. 17. Therfore when *Roboam* at his comming to the Crown, rejected thoſe conditions which the Iſraelites brought him, heare what they anſwer him, *What portion have we in David, or Inheritance in the ſon of Jeſſe? See to thine own Houſe David.* And for the like conditions not perform'd, all Iſrael before that time depos'd *Samuel*, not for his own default,

but for the miſgoverment of his Sons. But ſom will ſay to both theſe examples, it was evilly don. I anſwer, that not the latter, becauſe it was expreſsly allow'd them in the Law to ſet up a King if they pleas'd; and God himſelf joyn'd with them in the work; though in ſom ſort it was at that time diſpleaſing to him, in reſpect of old *Samuel* who had govern'd them uprightly. As *Livy* praiſes the Romans who took occaſion from *Tarquinius* a wicked Prince to gaine thir libertie, which to have extorted, ſaith hee, from *Numa*, or any of the good Kings before, had not bin ſeaſonable. Nor was it in the former example don unlawfully; for when *Roboam* had prepar'd a huge Army to reduce the Iſraelites, he was forbidd'n by the Prophet, 1 *Kings* 12. 24. *Thus ſaith the Lord yee ſhall not goe up, nor fight againſt your brethren, for this thing is from me.* He calls them thir Brethren, not Rebels, and forbidds to be proceeded againſt them, owning the thing himſelf, not by ſingle providence, but by approbation, and that not onely of the act, as in the former example, but of the fit ſeaſon alſo; he had not otherwiſe forbidd to moleſt them. And thoſe grave and wiſe Counſelors whom *Rchoboam* firſt advis'd with, ſpake no ſuch thing, as our old gray headed Flatterers now are wont, ſtand upon your birth-right, ſcorn to capitulate, you hold of God, not of them; for they knew no ſuch matter, unleſs conditionally, but gave him politic counſel, as in a civil tranſaction. Therfore Kingdom and Magiſtracy, whether ſupreme or ſubordinat, is without difference, call'd *a human ordinance*, 1 *Pet.* 2. 13. &c. which we are there taught

is the will of God wee ſhould alike ſubmitt to, ſo farr as for the puniſhment of evil doers, and the encouragement of them that doe well. *Submitt* ſaith he, *as free men.* But to any civil power unaccountable, unqueſtionable, and not to be reſiſted, no not in wickedneſs, and violent actions, how can we ſubmitt as free men? *There is no power but of God*, ſaith *Paul*, *Rom.* 13. as much as to ſay, God put it into mans heart to find out that way at firſt for common peace and preſervation, approving the exerciſe therof; els it contradicts *Peter* who calls the ſame autority an Ordinance of man. It muſt be alſo underſtood of lawfull and juſt power, els we read of great power in the affaires and Kingdoms of the World permitted to the Devil: for ſaith he to Chriſt, *Luke* 4. 6. *All this power will I give thee and the glory of them, for it is deliver'd to me, & to whomſoever I will, I give it:* neither did he ly, or Chriſt gainſay what he affirm'd; for in the thirteenth of the *Revelation* wee read how the Dragon gave to the beaſt *his power, his ſeate, and great autority:* which beaſt ſo autoriz'd moſt expound to be the tyrannical powers and Kingdoms of the earth. Therfore Saint *Paul* in the forecited Chapter tells us that ſuch Magiſtrates he meanes, as are, not a terror to the good but to the evil; ſuch as beare not the ſword in vaine, but to puniſh offenders, and to encourage the good. If ſuch onely be mentiond here as powers to be obeyd, and our ſubmiſſion to them onely requir'd, then doubtleſs thoſe powers that doe the contrary, are no powers ordain'd of God, and by conſequence no obligation laid upon us to obey or not to reſiſt them. And it may bee well obſervd that both

theſe Apoſtles, whenever they give this precept, expreſs it in termes not *concrete* but *abſtract*, as Logicians are wont to ſpeake, that is, they mention the ordinance, the power, the autoritie before the perſons that execute it; and what that power is, leaſt we ſhould be deceav'd, they deſcribe exactly. So that if the power be not ſuch, or the perſon execute not ſuch power, neither the one nor the other is of God, but of the Devil, and by conſequence to bee reſiſted. From this expoſition *Chryſoſtome* alſo on the ſame place diſſents not; explaining that theſe words were not writt'n in behalf of a tyrant. And this is verify'd by *David*, himſelfa King, and likelieſt to bee Author of the *Pſalm* 94. 20. which ſaith *Shall the throne of iniquity have fellowſhip with thee?* And it were worth the knowing, ſince Kings in theſe dayes, and that by Scripture, boaſt the juſtneſs of thir title, by holding it immediately of God, yet cannot ſhow the time when God ever ſet on the throne them or thir forefathers, but onely when the people choſe them, why by the ſame reaſon, ſince God aſcribes as oft to himſelf the caſting down of Princes from the throne, it ſhould not be thought as lawful, and as much from God, when none are ſeen to do it but the people, and that for juſt cauſes. For if it needs muſt be a ſin in them to depoſe, it may as likely be a ſin to have elected. And contrary if the peoples act in election be pleaded by a King, as the act of God, and the moſt juſt title to enthrone him, why may not the peoples act of rejection, bee as well pleaded by the people as the act of God, and the moſt juſt reaſon to depoſe him? So that we ſee the

title

title and juſt right of raigning or depoſing, in reference to God, is found in Scripture to be all one; viſible onely in the people, and depending meerly upon juſtice and demerit. Thus farr hath bin conſiderd briefly the power of Kings and Magiſtrates; how it was and is originally the peoples, and by them conferr'd in truſt onely to bee imployd to the common peace and benefit; with liberty therfore and right remaining in them to reaſſume it to themſelves, if by Kings or Magiſtrates it be abus'd; or to diſpoſe of it by any alteration, as they ſhall judge moſt conducing to the public good.

Wee may from hence with more eaſe, and force of argument determin what a Tyrant is, and what the people may doe againſt him. A Tyrant whether by wrong or by right comming to the Crown, is he who regarding neither Law nor the common good, reigns onely for himſelf and his faction: Thus St. *Baſil* among others defines him. And becauſe his power is great, his will boundleſs and exorbitant, the fulfilling whereof is for the moſt part accompanied with innumerable wrongs and oppreſſions of the people, murders maſſachers, rapes, adulteries, deſolation, and ſubverſion of Citties and whole Provinces, look how great a good and happineſs a juſt King is, ſo great a miſcheife is a Tyrant; as hee the publicfather of his Countrie, ſo this the common enemie. Againſt whom what the people lawfully may doe, as againſt a common peſt, and deſtroyer of mankinde, I ſuppoſe no man of cleare judgement need goe furder to be guided then by the very principles of

nature

nature in him. But becauſe it is the vulgar folly of men to deſert thir own reaſon, and ſhutting thir eyes to think they ſee beſt with other mens, I ſhall ſhew by ſuch examples as ought to have moſt waight with us, what hath bin don in this caſe heretofore. The *Greeks* and *Romans*, as thir prime Authors witneſs, held it not onely lawfull, but a glorious and Heroic deed, rewarded publicly with Statues and Garlands, to kill an infamous Tyrant at any time without tryal: and but reaſon, that he who trod down all Law, ſhould not be voutſaf'd the benefit of Law. Inſomuch that *Seneca* the Tragedian brings in *Hercules* the grand ſuppreſſor of Tyrants, thus ſpeaking,

——— Victima haud ulla amplior
Poteſt, magiſque opima mactari Jovi
Quam Rex iniquus ———————
——— There can be ſlaine
No ſacrifice to God more acceptable
Then an unjuſt and wicked King ———.

But of theſe I name no more, leſt it bee objected they were Heathen; and come to produce another ſort of men that had the knowledge of true Religion. Among the Jews this cuſtom of tyrant-killing was not unuſual. Firſt *Ehud*, a man whom God had rayſd to deliver Iſrael from *Eglon* King of *Moab*, who had conquerd and rul'd over them eighteene years, being ſent to him as an Ambaſſador with a preſent, ſlew him in his own houſe. But hee was a forren Prince, an enemie, and *Ehud* beſides had ſpecial warrant from God. To the firſt I anſwer, it imports not whether forren or native: For no Prince ſo native but profeſſes

feſſes to hold by Law; which when he himſelf overturns, breaking all the Covnants and Oaths that gave him title to his dignity, and were the bond and alliance between him and his people, what differs he from an outlandiſh King, or from an enemie? For look how much right the King of *Spaine* hath to govern us at all, ſo much right hath the King of *England* to govern us tyrannically. If he, though not bound to us by any League, comming from *Spaine* in perſon to ſubdue us or to deſtroy us, might lawfully by the people of *England* either bee ſlaine in fight, or put to death in captivity, what hath a native King to plead, bound by ſo many Covnants, benefits and honours to the welfare of his people, why he through the contempt of all Laws and Parlaments, the onely tie of our obedience to him, for his own wills ſake, and a boaſted prerogative unaccountable, after ſev'n years warring and deſtroying of his beſt Subjects, overcom, and yeilded priſoner, ſhould think to ſcape unqueſtionable, as a thing divine, in reſpect of whom ſo many thouſand Chriſtians deſtroy'd, ſhould lie unaccounted for, polluting with their ſlaughterd carcaſſes all the Land over, and crying for vengeance againſt the living that ſhould have righted them. Who knows not that there is a mutual bond of amity and brother-hood between man and man over all the World, neither is it the Engliſh Sea that can ſever us from that duty and relation: a ſtraiter bond yet there is between fellow-ſubjects, neighbours, and friends; But when any of theſe doe one to another ſo as hoſtility could doe no worſe, what doth the

the Law decree leſs againſt them, then op'n enemies and invaders? or if the Law be not preſent, or too weake, what doth it warrant us to leſs then ſingle defence, or civil warr? and from that time forward the Law of civil defenſive warr differs nothing from the Law of forren hoſtility. Nor is it diſtance of place that makes enmitie, but enmity that makes diſtance. He therfore that keeps peace with me, neer or remote, of whatſoever Nation, is to mee as farr as all civil and human offices an Engliſhman and a neighbour: but if an Engliſhman forgetting all Laws, human, civil and religious, offend againſt life and liberty, to him offended and to the Law in his behalf, though born in the ſame womb, he is no better then a Turk, a Saraſin, a Heathen. This is Goſpel, and this was ever Law among equals; how much rather then in force againſt any King whatever, who in reſpect of the people is confeſsd inferior and not equal: to diſtinguiſh therfore of a Tyrant by outlandiſh, or domeſtic is a weak evaſion. To the ſecond that he was an enemie, I anſwer, what Tyrant is not? yet *Eglon* by the Jewes had bin acknowledgd as thir Sovran; they had ſerv'd him eighteen yeares, as long almoſt as we our *William* the Conqueror, in all which time he could not be ſo unwiſe a Statesman but to have tak'n of them Oaths of Fealty and Allegeance, by which they made themſelves his proper Subjects, as thir homage and preſent ſent by *Ehud* teſtify'd. To the third, that he had ſpecial warrant to kill *Eglon* in that manner, it cannot bee granted, becauſe not expreſsd; tis plain that he was rayſd by God to

be

be a Deliverer, and went on juſt principles, ſuch as were then and ever held allowable, to deale ſo by a Tyrant that could no otherwiſe be dealt with. Neither did *Samuel* though a Profet, with his own hand abſtain from *Agag*; a forren enemie no doubt; but mark the reaſon. *As thy Sword hath made women childleſs*; a cauſe that by the ſentence of Law it ſelf nullifies all relations. And as the Law is between Brother and Brother, Father and Son, Maiſter and Servant, wherfore not between King or rather Tyrant and People? And whereas *Jehu* had ſpecial command to ſlay *Jehoram* a ſucceſſive and hereditarie Tyrant, it ſeems not the leſs imitable for that; for where a thing grounded ſo much on natural reaſon hath the addition of a command from God, what does it but eſtabliſh the lawfulneſs of ſuch an act. Nor is it likely that God who had ſo many wayes of puniſhing the houſe of *Ahab* would have ſent a ſubject againſt his Prince, if the fact in it ſelf, as don to a Tyrant, had bin of bad example. And if *David* refuſ'd to lift his hand againſt the Lords anointed, the matter between them was not tyranny, but privat enmity, and *David* as a privat perſon had bin his own revenger, not ſo much the peoples. But when any tyrant at this day can ſhew to be the Lords anointed, the onely mention'd reaſon why *David* withheld his hand, he may then but not till then preſume on the ſame privilege.

Wee may paſs therfore hence to Chriſtian times. And firſt our Saviour himſelf, how much he favourd Tyrants, and how much intended they

ſhould be found or honourd among Chriſtians, declares his mind not obſcurely; accounting thir abſolute autority no better then Gentiliſm, yea though they flouriſh'd it over with the ſplendid name of Benefactors; charging thoſe that would be his Diſciples to uſurp no ſuch dominion; but that they who were to bee of moſt autoritie among them, ſhould eſteem themſelves Miniſters and Servants to the public. *Matt.* 20. 25. *The Princes of the Gentiles exerciſe Lordſhip over them*, and *Mark* 10. 42. *They that ſeem to rule*, ſaith he, either ſlighting or accounting them no lawful rulers, *but yee ſhall not be ſo, but the greateſt among you ſhall be your Servant.* And although hee himſelf were the meekeſt, and came on earth to beſo, yet to a Tyrant we hear him not voutſafe an humble word: but *Tell that Fox Luc* 13. So farr we ought to be from thinking that Chriſt and his Goſpel ſhould be made a Sanctuary for Tyrants from juſtice, to whom his Law before never gave ſuch protection. And wherfore did his Mother the Virgin *Mary* give ſuch praiſe to God in her profetic ſong, that he had now by the comming of Chriſt, *Cut down Dynaſta's or proud Monarchs from the throne*, if the Church, when God manifeſts his power in them to doeſo, ſhould rather chooſe all miſerie and vaſſalage to ſerve them, and let them ſit on thir potent ſeats to bee ador'd for doing miſchief. Surely it is not for nothing that tyrants by a kind of natural inſtinct both hate and feare none more then the true Church and Saints of God, as the moſt dangerous enemies and ſubverters of Monarchy; though indeed of ty-

ranny;

ranny; hath not this bin the perpetual cry of Courtiers, and Court Prelats? whereof no likelier cause can be alleg'd, but that they well discern'd the mind and principles of most devout and zealous men, and indeed the very discipline of Church, tending to the dissolution of all tyranny. No marvel then if since the faith of Christ receav'd, in purer or impurer times, to depose a King and put him to death for Tyranny, hath bin accounted so just and requisite, that neighbour Kings have both upheld and tak'n part with subjects in the action. And *Ludovicus Pius*, himself an Emperor, and Son of *Charles* the great, being made Judge, *Du Haillan* is my author, between *Milegast* King of the *Vultzes* and his Subjects who had d e pos'd him, gave his verdit for the Subjects, and for him whom they had chos'n in his room. Note here that the right of electing whom they please is by the impartial testimony of an Emperor in the people. For, said he, *A just Prince ought to be prefer'd before an unjust, and the end of goverment before the prerogative.* And *Constantinus Leo*, another Emperor, in the *Byzantine* Laws saith, *that the end of a King is for the general good, which he not performing is but the counterfet of a King.* And to prove that som of our own Monarchs have acknowledg'd that thir high office exempted them not from punishment, they had the Sword of St. *Edward* born before them by an officer who was call'd Earle of the Palace, eev'n at the times of thir highest pomp and solemnities, to mind them, saith *Matthew Paris*, the best of our Historians, that if they errd, the Sword had power to restraine them.

And what reſtraint the Sword comes to at length, having both edge and point, if any *Sceptic* will doubt, let him feel. It is alſo affirm'd from diligent ſearch made in our ancient books of Law, that the Peers and Barons of England had a legal right to judge the King: which was the cauſe moſt likely, for it could be no ſlight cauſe, that they were call'd his Peers, or equals. This however may ſtand immovable, ſo long as man hath to deale with no better then man; that if our Law judge all men to the loweſt by thir Peers, it ſhould in all equity aſcend alſo, and judge the higheſt. And ſo much I find both in our own and forren Storie, that Dukes, Earles, and Marqueſes were at firſt not hereditary, not empty and vain titles, but names of truſt and office, and with the office ceaſing, as induces me to be of opinion, that every worthy man in Parlament, for the word Baron imports no more, might for the public good be thought a fit Peer and judge of the King; without regard had to petty caveats, and circumſtances, the chief impediment in high affaires, and ever ſtood upon moſt by circumſtantial men. Whence doubtleſs our Anceſtors who were not ignorant with what rights either Nature or ancient Conſtitution had endowd them, when Oaths both at Coronation, and renewd in Parlament would not ſerve, thought it no way illegal to depoſe and put to death thir tyrannous Kings. Inſomuch that the Parlament drew up a charge againſt *Richard the ſecond*, and the Commons requeſted to have judgement decree'd againſt him, that the realme might not bee endangerd. And *Peter Martyr*

zyr a Divine of formoſt rank, on the third of *Judges* approves thir doings. Sir *Thomas Smith* alſo a Proteſtant and a Stateſman, in his Commonwelth of *England*, putting the queſtion whether it be lawfull to riſe againſt a Tyrant, anſwers that the vulgar judge of it according to the event, and the lerned according to the purpoſe of them that do it. But far before theſe days, *Gildas* the moſt ancient of all our Hiſtorians, ſpeaking of thoſe times wherein the Roman Empire decaying quitted and relinquiſhd what right they had by Conqueſt to this Iland, and reſign'd it all into the peoples hands, teſtifies that the people thus re-inveſted with thir own original right, about the year 446, both elected them Kings, whom they thought beſt (the firſt Chriſtian Britiſh Kings that ever raign'd heer ſince the Romans.) and by the ſame right, when they apprehended cauſe, uſually depos'd and put them to death. This is the moſt fundamental and ancient tenure that any King of *England* can produce or pretend to; in compariſon of which, all other titles and pleas are but of yeſterday. If any object that *Gildas* condemns the Britans for ſo doing, the anſwer is as ready; that he condemns them no more for ſo doing, then hee did before for chooſing ſuch, for ſaith he, *They anointed them Kings, not of God, but ſuch as were more bloody then the reſt.* Next hee condemns them not at all for depoſing or putting them to death, but for doing it over haſtily, without tryal or well examining the cauſe, and for electing others wors in thir room. Thus we have heer both domeſtic and moſt ancient examples that the people of Britain

tain have depos'd and put to death thir Kings in thoſe primitive Chriſtian times. And to couple reaſon with example, if the Church in all ages, Primitive, Romiſh, or Proteſtant, held it ever no leſs thir duty then the power of thir Keyes, though without expreſs warrant of Scripture, to bring indifferently both King and Peaſant under the utmoſt rigor of thir Canons and Cenſures Eccleſiaſtical, eev'n to the ſmiting him with a final excommunion, if he perſiſt impenitent, what hinders but that the temporal Law both may and ought, though without a ſpecial Text or precedent, extend with like indifference the civil Sword, to the cutting off without exemption him that capitally offends. Seeing that juſtice and Religion are from the ſame God, and works of juſtice oftimes more acceptable. Yet becauſe that ſome lately, with the tongues and arguments of Malignant backſliders, have writt'n that the proceedings now in Parlament againſt the King, are without precedent from any Proteſtant State or Kingdom, the examples which follow ſhall be all Proteſtant and chiefly Preſbyterian.

In the yeare 1546. The *Duke of Saxonie, Lantgrave of Heſſen*, and the whole Proteſtant league rayſd op'n Warr againſt *Charles the fifth* thir Emperor, ſent him a defiance, renounc'd all faith and allegeance towards him, and debated long in Councel whither theyſhould give him ſo much as the title of *Cæſar. Sleidan. l.* 17. Let all men judge what this wanted of depoſing or of killing, but the power to doe it.

In the yeare 1559. The Scotch Proteſtants claim-

claiming promise of thir Queen Regent for liber-tie of conscience, she answering that promises were not to be claim'd of Princes beyond what was commodious for them to grant, told her to her face in the Parlament then at *Sterling*, that if it were so, they renounc'd thir obedience; and soon after betook them to Armes. *Buchanan Hist. l.* 16. certainly when allegeance is renounc'd, that very hour the King or Queen is in effect depos'd.

In the yeare 1564. *John Knox* a most famous Divine and the reformer of *Scotland* to the Presbyterian discipline, at a general Assembly maintaind op'nly in a dispute against *Lethington* the Secretary of State, that Subjects might & ought execute Gods judgements upon thir King; that the fact of *Jehu* and others against thir King having the ground of Gods ordinary command to put such and such offenders to death was not extraordinary, but to bee imitated of all that preferr'd the honour of God to the affection of flesh and wicked Princes; that Kings, if they offend, have no privilege to be exempted from the punishments of Law more then any other subject; so that if the King be a Murderer, Adulterer, or Idolater, he should suffer, not as a King, but as an offender; and this position he repeates again and again before them. Answerable was the opinion of *John Craig* another learned Divine, and that Lawes made by the tyranny of Princes, or the negligence of people, thir posterity might abrogate, and reform all things according to the original institution of Common-wealths. And *Knox* being commanded by the Nobilitie to write to *Calvin* and other

learned

lerned men for thir judgement in that queſtion, refus'd; alleging that both himſelf was fully reſolv'd in conſcience, and had heard thir judgements, and had the ſame opinion under hand-writing of many the moſt godly and moſt lerned that he knew in Europe; that if he ſhould move the queſtion to them againe, what ſhould he doe but ſhew his own forgetfulneſs or inconſtancy. All this is farr more largely in the Eccleſiaſtic Hiſtory of *Scotland l.* 4. with many other paſſages to this effect all the Book over; ſet out with diligence by Scotchmen of beſt repute among them at the beginning of theſe troubles, as if they labourd to inform us what wee were to doe, and what they intended upon the like occaſion.

And to let the world know that the whole Church and Proteſtant State of *Scotland* in thoſe pureſt times of reformation were of the ſame beleif, three years after, they met in the feild *Mary* thir lawful and hereditary Queen, took her priſoner yeilding before fight, kept her in priſon, and the ſame yeare depoſ'd her. *Euchan. Hiſt. l.* 18.

And four years after that, the Scots in juſtification of thir depoſing Queen *Mary*, ſent Ambaſſadors to Queen *Elizabeth*, and in a writt'n Declaration alleg'd that they had us'd toward her more lenity then ſhee deſerv'd; that thir Anceſtors had heretofore puniſh'd thir Kings by death or baniſhment; that the Scots were a free Nation, made King whom they freely choſe, and with the ſame freedom unkingd him if they ſaw cauſe, by right of ancient laws and Ceremonies yet remaining, and old cuſtoms yet among the High-landers in choo-

chooſing the head of thir Clanns, or Families; all which with many other arguments bore witneſs that regal power was nothing elſe but a mutual Covnant or ſtipulation between King and people. *Buch. Hiſt. l.* 20. Theſe were Scotchmen and Preſbyterians; but what meaſure then have they lately offerd, to think ſuch liberty leſs beſeeming us then themſelves, preſuming to put him upon us for a Maiſter whom thir law ſcarce allows to be thir own equal? If now then we heare them in another ſtrain then heretofore in the pureſt times of thir Church, we may be confident it is the voice of Faction ſpeaking in them, not of truth and Reformation. Which no leſs in *England* then in *Scotland*, by the mouthes of thoſe faithful witneſſes commonly call'd Puritans, and Nonconformiſts, ſpake as clearly for the putting down, yea the utmoſt puniſhing of Kings, as in thir ſeveral Treatiſes may be read; eev'n from the firſt raigne of *Elizabeth* to theſe times. Inſomuch that one of them, whoſe name was *Gibſon*, foretold K. *James*, he ſhould be rooted out, and conclude his race, if he perſiſted to uphold Biſhops. And that very inſcription ſtampt upon the firſt Coines at his Coronation, a naked Sword in a hand with theſe words, *Si mereor in me*, *Againſt me, if I deſerve*, not only manifeſted the judgement of that State, but ſeem'd alſo to preſage the ſentence of Divine juſtice in this event upon his Son.

In the yeare 1581. the States of *Holland* in a general Aſſembly at the *Hague*, abjur'd all obedience and ſubjection to *Philip* King of *Spaine*; and in a Declaration juſtifie thir ſo doing; for that by

his tyrannous goverment against faith so many times giv'n & brok'n he had lost his right to all the Belgic Provinces; that therfore they depos'd him and declar'd it lawfull to choose another in his stead. *Thuan. l.* 74. From that time, to this, no State or Kingdom in the world hath equally prosperd: But let them remember not to look with an evil and prejudicial eye upon thir Neighbours walking by the same rule.

But what need these examples to Presbyterians, I mean to those who now of late would seem so much to abhorr deposing, when as they to all Christendom have giv'n the latest and the livelier example of doing it themselves. I question not the lawfulnes of raising Warr against a Tyrant in defence of Religion, or civil libertie; for no Protestant Church from the first *Waldenses* of *Lyons*, and *Languedoc* to this day but have don it round, and maintain'd it lawful. But this I doubt not to affirme, that the Presbyterians, who now so much condemn deposing, were the men themselves that depos'd the King, and cannot with all thir shifting and relapsing, wash off the guiltines from thir own hands. For they themselves, by these thir late doings have made it guiltines, and turn'd thir own warrantable actions into Rebellion.

There is nothing that so actually makes a King of *England*, as rightful possession and Supremacy *in all causes both civil and Ecclesiastical*: and nothing that so actually makes a Subject of *England*, as those two Oaths of Allegeance and Supremacy observ'd *without equivocating, or any mentall reservation*. Out of doubt then when the King shall com-

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mand things already constituted in Church, or State, obedience is the true essence of a subject, either to doe, if it be lawful, or if he hold the thing unlawful, to submitt to that penaltie which the Law imposes, so long as he intends to remaine a Subject. Therfore when the people or any part of them shall rise against the King and his autority executing the Law in any thing establish'd civil or Ecclesiastical, I doe not say it is rebellion, if the thing commanded though establish'd be unlawful, and that they sought first all due means of redress (and no man is furder bound to Law) but I say it is an absolute renouncing both of Supremacy and Allegeance, which in one word is an actual and total deposing of the King, and the setting up of another supreme autority over them. And whether the Presbyterians have not don all this and much more, they will not put mee, I suppose, to reck'n up a seven years story fresh in the memory of all men. Have they not utterly broke the Oath of Allegeance, rejecting the Kings command and autority sent them from any part of the Kingdom whether in things lawful or unlawful? Have they not abjur'd the Oath of Supremacy by setting up the Parlament without the King, supreme to all thir obedience, and though thir Vow and Covnant bound them in general to the Parlament, yet sometimes adhering to the lesser part of Lords and Commons that remaind faithful, as they terme it, and eev'n of them, one while to the Commons without the Lords, another while to the Lords without the Commons? Have they not still declar'd thir meaning, whatever thir

Oath were, to hold them onely for ſupreme whom they found at any time moſt yeilding to what they petition'd? Both theſe Oaths which were the ſtraiteſt bond of an Engliſh ſubject in reference to the King, being thus broke & made voide, it follows undenyably that the King from that time was by them in fact abſolutely depoſ'd, and they no longer in reality to be thought his ſubjects, notwithſtanding thir fine clauſe in the Covnant to preſerve his perſon, Crown, and dignity, ſet there by ſom dodging Caſuiſt with more craft then ſincerity to mitigate the matter in caſe of ill ſuceſs and not tak'n I ſuppoſe by any honeſt man, but as a condition ſubordinat to every the leaſt particle that might more concerne Religion, liberty, or the public peace. To prove it yet more plainly that they are the men who have depoſ'd the King, I thus argue. We know that King and Subject are relatives, and relatives have no longer being then in the relation; the relation between King and Subject can be no other then regal autority and ſubjection. Hence I inferr paſt their defending, that if the Subject who is one relative, take away the relation, of force he takes away alſo the other relative; but the Preſbyterians who were one relative, that is to ſay Subjects, have for this ſev'n years tak'n away the relation, that is to ſay the Kings autority, and thir ſubjection to it, therfore the Preſbyterians for theſe ſev'n years have remov'd and extinguiſhd the other relative, that is to ſay the King, or to ſpeak more in brief have depos'd him; not onely by depriving him the execution of his autoritie, but by conferring

ring it upon others. If then thir Oaths of ſubjection brok'n, new Supremacy obey'd, new Oaths and Covnants tak'n, notwithſtanding frivolous evaſions, have in plaine termes unking'd the King, much more then hath thir ſev'n years Warr not depos'd him onely, but outlaw'd him, and defi'd him as an alien, a rebell to Law, and enemie to the State. It muſt needs be clear to any man not avers from reaſon, that hoſtilitie and ſubjection are two direct and poſitive contraries; and can no more in one ſubject ſtand together in reſpect of the ſame King, then one perſon at the ſame time can be in two remote places. Againſt whom therfore the Subject is in act of hoſtility we may be confident that to him he is in no ſubjection: and in whom hoſtility takes place of ſubjection, for they can by no meanes conſiſt together, to him the King can be not onely no King, but an enemie. So that from hence we ſhall not need diſpute whether they have depos'd him, or what they have defaulted towards him as no King, but ſhew manifeſtly how much they have don toward the killing him. Have they not levied all theſe Warrs againſt him whether offenſive or defenſive (for defence in Warr equally offends, and moſt prudently before hand) and giv'n Commiſſion to ſlay where they knew his perſon could not be exempt from danger? And if chance, or flight had not ſav'd him, how oft'n had they kill'd him, directing thir Artillery without blame or prohibition to the very place where they ſaw him ſtand? Have they not Sequeſter'd him, jndg'd or unjudgd, and converted his revenew to other uſes, detaining from him as a grand Delinquent,

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all meanes of livelyhood, ſo that for them long ſince he might have periſht, or have ſtarv'd? Have they not hunted and purſu'd him round about the Kingdom with ſword and fire? Have they not formerly deny'd to Treat with him, and thir now recanting Miniſters preach'd againſt him, as a reprobate incurable, an enemy to God and his Church markt for deſtruction, and therfore not to be treated with? Have they not beſeig'd him, & to thir power forbidd him Water and Fire, ſave what they ſhot againſt him to the hazard of his life? Yet while they thus aſſaulted and endangerd it with hoſtile deeds, they ſwore in words to defend it with his Crown and dignity; not in order, as it ſeems now, to a firm and laſting peace, or to his repentance after all this blood; but ſimply, without regard, without remorſe, or any comparable value of all the miſeries and calamities ſufferd by the poore people, or to ſuffer hereafter through his obſtinacy or impenitence. No underſtanding man can bee ignorant that Covnants are ever made according to the preſent ſtate of perſons and of things; and have ever the more general laws of nature and of reaſon included in them, though not expreſs'd. If I make a voluntary Covnant as with a man, to doe him good, and he prove afterward a monſter to me, I ſhould conceave a diſobligement. If I covnant, not to hurt an enemie, in favour of him & forbearance, & hope of his amendment, & he after that, ſhall doe me tenfould injury and miſchief, to what he had don when I ſo Covnanted, and ſtil be plotting what may tend to my deſtruction, I queſtion not but

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that his after actions releaſe me; nor know I Covnant ſo ſacred that withholds me from demanding juſtice on him. Howbeit, had not thir diſtruſt in a good cauſe, and the faſt and loos of our prevaricating Divines overſway'd, it had bin doubtleſs better not to have inſerted in a Covnant unneceſſary obligations, and words not works of a ſupererogating Allegeance to thir enemy; no way advantageous to themſelves, had the King prevail'd, as to thir coſt many would have felt; but full of ſnare and diſtraction to our friends, uſefull onely, as we now find, to our adverſaries, who under ſuch a latitude and ſhelter of ambiguous interpretation have ever ſince been plotting and contriving new opportunities to trouble all again. How much better had it bin, and more becomming an undaunted vertue, to have declar'd openly and boldly whom and what power the people were to hold Supreme; as on the like occaſion Proteſtants have don before, and many conſcientious men now in theſe times have more then once beſought the Parlament to doe, that they might goe on upon a ſure foundation, and not with a riddling Covnant in thir mouths, ſeeming to ſweare counter almoſt in the ſame breath Allegeance and no Allegeance; which doubtleſs had drawn off all the minds of ſincere men from ſiding with them, had they not diſcern'd thir actions farr more depoſing him then thir words upholding him; which words made now the ſubject of cavillous interpretations, ſtood ever in the Covnant, by judgement of the more diſcerning ſort, an evidence of thir feare, not of thir fidelity.

fidelity. What ſhould I return to ſpeak on, of thoſe attempts for which the King himſelf hath oft'n charg'd the Preſbyterians of ſeeking his life, when as in the due eſtimation of things, they might without a fallacy be ſayd to have don the deed outright. Who knows not that the King is a name of dignity and office, not of perſon: Who therfore kills a King, muſt kill him while he is a King. Then they certainly who by depoſing him have long ſince tak'n from him the life of a King, his office and his dignity, they in the trueſt ſence may be ſaid to have killd the King: nor onely by thir depoſing and waging Warr againſt him, which beſides the danger to his perſonal life, ſett him in the fardeſt oppoſite point from any vital function of a King, but by thir holding him in priſon, vanquiſhd and yeilded into thir abſolute and *deſpotic* power, which brought him to the loweſt degradement and incapacity of the regal name. I ſay not by whoſe matchleſs valour next under God, leſt the ſtory of thir ingratitude thereupon carry me from the purpoſe in hand, which is to convince them that they, which I repeat againe, were the men who in the trueſt ſenſe killd the King, not onely as is prov'd before, but by depreſſing him thir King farr below the rank of a ſubject to the condition of a Captive, without intention to reſtore him, as the Chancellour of *Scotland* in a ſpeech told him plainly at *Newcaſtle*, unleſs hee granted fully all thir demands, which they knew he never meant. Nor did they Treat or think of Treating with him, till thir hatred to the Army that deliverd them, not thir love or duty to the King,

King, joyn'd them ſecretly with men ſentenc'd ſo oft for Reprobats in thir own mouthes, by whoſe ſuttle inſpiring they grew madd upon a moſt tardy and improper Treaty. Whereas if the whole bent of thir actions had not bin againſt the King himſelf, but only againſt his evil counſelers, as they faind, & publiſhd, wherfore did they not reſtore him all that while to the true life of a King, his office, Crown, and Dignity, when he was in thir power, & they themſelves his neereſt Counſelers. The truth therfore is, both that they would not, and that indeed they could not without thir own certain deſtruction; having reduc'd him to ſuch a final paſs, as was the very death and burial of all in him that was regal, and from whence never King of *England* yet reviv'd, but by the new re-inforcement of his own party, which was a kind of reſurrection to him. Thus having quite extinguiſht all that could be in him of a King, and from a total privation clad him over, like another ſpecifical thing, with formes and habitudes deſtructive to the former, they left in his perſon, dead as to Law, and all the civil right either of King or Subject, the life onely of a Priſner, a Captive and a Malefactor. Whom the equal and impartial hand of juſtice finding, was no more to ſpare then another ordnary man; not onely made obnoxious to the doom of Law by a charge more then once drawn up againſt him, and his own confeſſion to the firſt Article at *Newport*, but ſummond and arraign'd in the ſight of God and his people, curſt & devoted to perdition worſe then any *Ahab*, or *Antiochus*, with exhortation to curſe all thoſe in the name of God

that made not Warr against him, as bitterly as *Meroz* was to be curs'd, that went not out against a Canaanitish King, almost in all the Sermons, Prayers, and Fulminations that have bin utterd this few yeares by those clov'n tongues of falshood and diſſention; who now, to the ſtirring up of new diſcord, acquitt him; and against their own diſciplin, which they boaſt to be the throne and ſcepter of Christ, abſolve him, unconfound him, though unconverted, unrepentant, unſenſible of all thir pretious Saints and Martyrs whoſe blood they have ſo oft laid upon his head: and now againe with a new ſovran anointment can waſh it alloff, as if it were as vile, and no more to be reckn'd for, then the blood of ſo many Dogs in a time of Peſtilence: giving the moſt opprobrious lye to all the acted zeale that for theſe many yeares hath filld thir bellies, and fed them fatt upon the fooliſh people. Miniſters of ſedition, not of the Goſpel, who while they ſaw it manifeſtly tend to civil Warr and blood ſhed, never ceaſd exaſperating the people againſt him; and now that they ſee it likely to breed new commotion, ceaſe not to incite others againſt the people that have ſav'd them from him, as if ſedition were thir onely aime, whether againſt him or for him. But God, as we have cauſe to truſt, will put other thoughts into the people, and turn them from giving care or heed to theſe Mercenary noiſemakers, of whoſe fury, and falſ prophecies we have anough experience; and from the murmurs of new diſcord will incline them to hearkn rather with erected minds to the voice of our Supreme Magi-

Magistracy, calling us to liberty and the flourishing deeds of a reformed Common-wealth; with this hope that as God was heretofore angry with the Jews who rejected him and his forme of Government to choose a King, so that he will bless us, and be propitious to us who reject a King to make him onely our leader and supreme governour in the conformity as neer as may be of his own ancient goverment; if we have at least but so much worth in us to entertaine the sense of our future happiness, and the courage to receave what God voutsafes us: wherein we have the honour to precede other Nations who are now labouring to be our followers. For as to this question in hand what the people by thir just right may doe in change of goverment, or of governour, we see it cleerd sufficiently; besides other ample autority eev'n from the mouths of Princes themselves. And surely they that shall boast, as we doe, to be a free Nation, and not have in themselves the power to remove, or to abolish any governour supreme, or subordinat, with the goverment it self upon urgent causes, may please thir fancy with a ridiculous and painted freedom, fit to coz babies; but are indeed under tyranny and servitude; as wanting that power, which is the root and sourse of all liberty, to dispose and *economize* in the Land which God hath giv'n them, as Maisters of Family in thir own house and free inheritance. Without which natural and essential power of a free Nation, though bearing high thir heads, they can in due esteem be thought no better then slaves and vassals born, in the tenure

and occupation of another inheriting Lord. Whose goverment, though not illegal, or intolerable, hangs over them as a Lordly scourge, not as a free goverment; and therfore to be abrogated. How much more justly then may they fling off tyranny, or tyrants; who being once depos'd can be no more then privat men, as subject to the reach of Justice and arraignment as any other transgressors. And certainly if men, not to speak of Heathen, both wise and Religious have don justice upon Tyrants what way they could soonest, how much more milde & human then is it, to give them faire and op'n tryal? To teach lawless Kings, and all who so much adore them, that not mortal man, or his imperious will, but Justice is the onely true sovran and supreme Majesty upon earth. Let men cease therfore out of faction & hypocrisie to make out-cries and horrid things of things so just and honorable. Though perhaps till now no protestant State or kingdom can be alleg'd to have op'nly put to death thir King, which lately some have writt'n, and imputed to thir great glory; much mistaking the matter. It is not, neither ought to be the glory of a Protestant State, never to have put thir King to death; It is the glory of a Protestant King never to have deserv'd death. And if the Parlament and Military Councel doe what they doe without precedent, if it appeare thir duty, it argues the more wisdom, vertue, and magnanimity, that they know themselves able to be a precedent to others. Who perhaps in future ages, if they prove not too degenerat, will look up with honour, and aspire toward these exemplary,

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and matchleſs deeds of thir Anceſtors, as to the higheſt top of thir civil glory and emulation. Which heretofore, in the perſuance of fame and forren dominion, ſpent it ſelf vain-gloriouſly abroad; but henceforth may learn a better fortitude, to dare execute higheſt Juſtice on them that ſhall by force of Armes endeavour the oppreſſing and bereaving of Religion and thir liberty at home: that no unbridl'd Potentate or Tyrant, but to his ſorrow for the future, may preſume ſuch high and irreſponſible licence over mankinde, to havock and turn upſide-down whole Kingdoms of men, as though they were no more in reſpect of his perverſe will then a Nation of Piſmires. As for the party calld Preſbyterian, of whom I believe very many to be good and faithfull Chriſtians, though miſledd by ſom of turbulent ſpirit, I wiſh them earneſtly and calmly not to fall off from thir firſt principles; nor to affect rigor and ſuperiority over men not under them; not to compell unforcible things, in Religion eſpecially, which if not voluntary, becomes a ſin; nor to aſſiſt the clamor and malicious drifts of men whom they themſelves have judg'd to be the worſt of men, the obdurat enemies of God and his Church: nor to dart againſt the actions of thir brethren, for want of other argument, thoſe wreſted Lawes and Scriptures thrown by Prelats and Malignants againſt thir own ſides, which though they hurt not otherwiſe, yet tak'n up by them to the condemnation of thir own doings, give ſcandal to all men, and diſcover in themſelves either extreame paſſion, or apoſtacy. Let them not oppoſe thir beſt friends and aſſoci-

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ats, who moleſt them not at all, infringe not the leaſt of thir liberties; unleſs they call it thir liberty to bind other mens conſciences, but are ſtill ſeeking to live at peace with them and brotherly accord. Let them beware an old and perfet enemy, who though he hope by ſowing diſcord to make them his inſtruments, yet cannot forbeare a minute the op'n threatning of his deſtind revenge upon them, when they have ſerv'd his purpoſes. Let them, feare therfore if they be wiſe, rather what they have don already, then what remaines to doe, and be warn'd in time they put no confidence in Princes whom they have provok'd, leſt they be added to the examples of thoſe that miſerably have taſted the event. Stories can informe them how *Chriſtiern* the ſecond, King of *Denmark* not much above a hundred yeares paſt, driv'n out by his Subjects, and receav'd againe upon new Oaths and conditions, broke through them all to his moſt bloody revenge; ſlaying his chief oppoſers when he ſaw his time, both them and thir children invited to a feaſt for that purpoſe. How *Maximilian* dealt with thoſe of *Bruges*, though by mediation of the *German* Princes reconcil'd to them by ſolem and public writings drawn and ſeald. How the maſſacre at *Paris* was the effect of that credulous peace which the French Proteſtants made with *Charles* the ninth thir King: and that the main viſible cauſe which to this day hath ſav'd the *Netherlands* from utter ruin, was thir final not beleiving the perfidious cruelty which, as a conſtant maxim of State, hath bin us'd by the Paniſh Kings on thir Subjects that have tak'n Armes

Armes and after trusted them; as no later age but can testifie, heretofore in *Belgia* it self, and this very yeare in *Naples*. And to conclude with one past exception, though farr more ancient, *David*, whose sanctify'd prudence might be alone sufficient, not to warrant us only, but to instruct us, when once he had tak'n Armes, never after that trusted *Saul*, though with tears and much relenting he twise promis'd not to hurt him. These instances, few of many, might admonish them both English and Scotch not to let thir own ends, and the driving on of a faction betray them blindly into the snare of those enemies whose revenge looks on them as the men who first begun, fomented and carri'd on, beyond the cure of any sound or safe accommodation, all the evil which hath since unavoidably befall'n them and thir King.

I have somthing also to the Divines, though brief to what were needfull; not to be disturbers of the civil affairs, being in hands better able and more belonging to manage them; but to study harder, and to attend the office of good Pastors, knowing that he whose flock is least among them hath a dreadfull charge, not performd by mounting twise into the chair with a formal preachment huddl'd up at the odd hours of a whole lazy week, but by incessant pains and watching *in season and out of season, from house to house* over the soules of whom they have to feed. Which if they ever well considerd, how little leasure would they find to be the most pragmatical Sidesmen of every popular tumult and Sedition? And all this while are to learn what the true end and reason is of the

Gospel

Goſpel which they teach; and what a world it differs from the cenſorious and ſupercilious lording over conſcience. It would be good alſo they liv'd ſo as might perſwade the people they hated covetouſneſs, which worſe then hereſie, is idolatry; hated pluralities and all kind of Simony; left rambling from Benefice to Benefice, like rav'nous Wolves ſeeking where they may devour the biggeſt. Of which if ſom, well and warmely ſeated from the beginning, be not guilty, twere good they held not converſation with ſuch as are: let them be ſorry that being call'd to aſſemble about reforming the Church, they fell to progging and ſolliciting the Parlament, though they had renounc'd the name of Prieſts, for a new ſetling of thir Tithes and Oblations; and double lin'd themſelves with ſpiritual places of commoditie beyond the poſſible diſcharge of thir duty. Let them aſſemble in Conſiſtory with thir Elders and Deacons, according to ancient Eccleſiaſtical rule, to the preſerving of Church-diſcipline, each in his ſeveral charge, and not a pack of Clergie men by themſelves to belly-cheare in thir preſumptuous Sion, or to promote deſignes, abuſe and gull the ſimple Laity, and ſtirr up tumult, as the Prelats did, for the maintenance of thir pride and avarice. Theſe things if they obſerve, and waite with patience, no doubt but all things will goe well without their importunities or exclamations: and the Printed letters which they ſend ſubſcrib'd with the oſtentation of great Characters and little moment, would be more conſiderable then now they are. But if they be the Miniſters of Mammon in

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ſtead of Chriſt, and ſcandalize his Church with the filthy love of gaine, aſpiring alſo to ſit the cloſeſt & the heavieſt of all Tyrants, upon the conſcience, and fall notoriouſly into the ſame ſinns, wherof ſo lately and ſo loud they accus'd the Prelates, as God rooted out thoſe wicked ones immediatly before, ſo will he root out them thir imitators: and to vindicate his own glory and Religion, will uncover thir hypocriſie to the op'n world; and viſit upon thir own heads that *curſe ye Meroz*, the very *Motto* of thir Pulpits, wherwith ſo frequently, not as *Meroz*, but more like Atheiſts they have blaſphem'd the vengeance of God, and traduc'd the zeale of his people. And that they be not what they goe for, true Miniſters of the Proteſtant doctrine, taught by thoſe abroad, famous and religious men, who firſt reformd the Church, or by thoſe no leſs zealous, who withſtood corruption and the Biſhops heer at home, branded with the name of Puritans and Nonconformiſts, wee ſhall abound with teſtimonies to make appeare: that men may yet more fully know the difference betweeu Proteſtant Divines, and theſe Pulpit-firebrands.

Luther.

Lib. contra Ruſticos apud Sleidan. l. 5.

Is eſt hodie rerum ſtatus, &c. *Such is the ſtate of things at this day, that men neither can, nor will, nor indeed ought to endure longer the domination of you Princes.*

Neque vero Cæſarem, &c. *Neither is Cæſar to make Warr as head of Chriſt'ndom, Protector of the Church, Defender of the Faith; theſe Titles being fals and Windie, and moſt Kings being the greateſt Enemies to Religion.*

gion. Lib: De bello contra Turcas. apud Sleid. l. 14. What hinders then, but that we may depose or punish them?

These also are recited by *Cochlæus* in his *Miscellanies* to be the words of *Luther*, or some other eminent Divine, then in *Germany*, when the Protestants there entred into solemn Covnant at *Smalcaldia*. Ut ora ijs obturem &c. *That I may stop thir mouthes, the Pope and Emperor are not born but elected, and may also be depos'd as hath bin oft'n don.* If *Luther*, or whoever els thought so, he could not stay there; for the right of birth or succession can be no privilege in nature to let a Tyrant sit irremoveable over a Nation free born, without transforming that Nation from the nature and condition of men born free, into natural, hereditary, and successive slaves. Therfore he saith furder; *To displace and throw down this Exactor, this Phalaris, this Nero, is a work well pleasing to God*; Namely, for being such a one: which is a moral reason. Shall then so slight a consideration as his happ to be not elective simply, but by birth, which was a meer accident, overthrow that which is moral, and make unpleasing to God that which otherwise had so well pleasd him? certainly not: for if the matter be rightly argu'd, Election much rather then chance, bindes a man to content himself with what he suffers by his own bad Election. Though indeed neither the one nor other bindes any man, much less any people to a necessary sufferance of those wrongs and evils, which they have abilitie and strength anough giv'n them to remove.

Zwinglius.

Zwinglius. tom. 1. articul. 42.

Quando vero perfidè, &c. *When Kings raigne perfidiouſly, and againſt the rule of Chriſt, they may according to the word of God be depoſ'd.*

Mihi ergo compertum non eſt, &c. *I know not how it comes to paſs that Kings raigne by ſucceſſion, unleſs it be with conſent of the whole people.* ibid.

Quum vero conſenſu, &c: *But when by ſuffrage and conſent of the whole people, or the better part of them, a Tyrant is depoſ'd or put to death, God is the chief leader in that action.* ibid.

Nunc cum tam tepidi ſumus, &c. *Now that we are ſo luke warm in upholding public juſtice, we indure the vices of Tyrants to raigne now a dayes with impunity; juſtly therfore by them we are trod underfoot, and ſhall at length with them be puniſht. Yet ways are not wanting by which Tyrants may be remoov'd, but there wants public juſtice.* ibid.

Cavete vobis ô tyranni. *Beware yee Tyrants for now the Goſpell of Jeſus Chriſt ſpreading farr and wide, will renew the lives of many to love innocence and juſtice; which if yee alſo ſhall doe, yee ſhall be honourd. But if yee ſhall goe on to rage and doe violence, yee ſhall be trampl'd on by all men.* ibid.

Romanum imperium imò quodq; &c. *When the Roman Empire or any other ſhall begin to oppreſs Religion, and wee negligently ſuffer it, wee are as much guilty of Religion ſo violated, as the Oppreſſors themſelvs.* Idem Epiſt. ad Conrad. Somium.

Calvin on Daniel. c. 4. v. 25.

Hodie Monarchæ ſemper in ſuis titulis, &c. *Now adays Monarchs pretend alwayes in thir Titles, to be Kings by the grace of God: but how many of them to*

this end onely pretend it, that they may raigne without controule; for to what purpoſe is the grace of God mentiond in the Title of Kings, but that they may acknowledge no Superiour? In the meane while God, whoſe name they uſe, to ſupport themſelves, they willingly would tread under thir feet. It is therfore a meer cheat when they boaſt to raigne by the grace of God.

Abdicant ſe terreni principes, &c. *Earthly Princes depoſe themſelves while they riſe againſt God, yea they are unworthy to be numberd among men: rather it behooves us to ſpitt upon thir heads then to obey them. On Dan: c. 6. v. 22.*

Bucer on Matth. c. 5.

Si princeps ſuperior, &c. *If a Sovran Prince endeavour by armes to defend tranſgreſſors, to ſubvert thoſe things which are taught in the word of God, they who are in autority under him, ought firſt to diſſwade him; if they prevaile not, and that he now beares himſelf not as a Prince, but as an enemie, and ſeekes to violate priviledges and rights granted to inferior Magiſtrates or commonalities, it is the part of pious Magiſtrates, imploring firſt the aſſiſtance of God, rather to try all ways and means, then to betray the flock of Chriſt, to ſuch an enemie of God: for they alſo are to this end ordain'd, that they may defend the people of God, and maintain thoſe things which are good and juſt. For to have ſupreme power leſs'ns not the evil committed by that power, but makes it the leſs tolerable, by how much the more generally hurtful.* Then certainly the leſs tollerable, the more unpardonably to be puniſh'd.

Of *Peter Martyr* we have ſpoke before.

Paræus in Rom. 13.

Quorum eſt conſtituere Magiſtratus, &c. *They whoſe*

whoſe part it is to ſet up Magiſtrates, may reſtrain them alſo from outragious deeds, or pull them down; but all Magiſtrates are ſet up either by Parlament, or by Electors, or by other Magiſtrates; They therfore who exalted them, may lawfully degrade and puniſh them.

Of the Scotch Divines I need not mention others then the famouſeſt among them, *Knox*, & his fellow Labourers in the reformation of *Scotland*; whoſe large Treatiſes on this ſubject, defend the ſame Opinion. To cite them ſufficiently, were to inſert thir whole Books, writt'n purpoſely on this argument. *Knox Appeal*; and to the Reader; where he promiſes in a Poſtſcript that the Book which he intended to ſet forth, call'd, The ſecond blaſt of the Trumpet, ſhould maintain more at large, that the ſame men moſt juſtly may depoſe, and puniſh him whom unadviſedly they have elected, notwithſtanding birth, ſucceſſion, or any Oath of Allegeance. Among our own Divines, *Cartwright* and *Fenner*, two of the Lerneſt, may in reaſon ſatisfy us what was held by the reſt. *Fenner* in his Book of *Theologie* maintaining, That *they who have power, that is to ſay a Parlament, may either by faire meanes or by force depoſe a Tyrant*, whom he defines to be him, that wilfully breakes all, or the principal conditions made between him and the Common-wealth. *Fen. Sac: Theolog. c.* 13. and *Cartwright* in a prefix'd Epiſtle teſtifies his approbation of the whole Book.

Gilby de obedientiâ. p. 25. & 105.

Kings have thir autoritie of the people, who may upon occaſion reaſſume it to themſelves.

Englands Complaint againſt the Canons.

The people may kill wicked Princes as monſters and cruel beaſts. Chriſtopher

Chriſtopher Goodman of Obedience.

When Kings or Rulers become blaſphemers of God, oppreſſors and murderers of thir Subjects, they ought no more to be accounted Kings or lawfull Magiſtrates, but as privat men to be examind, accus'd, condemn'd and puniſht by the Law of God, and being convicted and puniſht by that law, it is not mans but Gods doing, *C.* 10. *p.* 139.

By the civil laws a foole or Idiot born, and ſo prov'd ſhall looſe the lands and inheritance wherto he is born, becauſe he is not able to uſe them aright. And eſpecially ought in no caſe be ſufferd to have the goverment of a whole Nation; But there is no ſuch evil can come to the Commonwealth by fooles and idiots as doth by the rage and fury of ungodly Rulers; Such therfore being without God ought to have no autority over Gods people, who by his Word requireth the contrary. *C.* 11. *p.* 143, 144.

No perſon is exempt by any Law of God from this puniſhment, be he King, Queene, or Emperor, he muſt dy the death, for God hath not plac'd them above others, to tranſgreſs his laws as they liſt, but to be ſubject to them as well as others, and if they be ſubject to his laws, then to the puniſhment alſo, ſo much the more as thir example is more dangerous. *C.* 13. *p.* 184.

When Magiſtrates ceaſe to doe thir Duty, the people are as it were without Magiſtrates, yea worſe, and then God giveth the ſword into the peoples hand, and he himſelf is become immediatly thir head. *p.* 185.

If Princes doe right and keep promiſe with you, then

then doe you owe to them all humble obedience: ifnot, yee are diſcharg'd, and your ſtudy ought to be in this caſe how ye may depoſe and puniſh according to the Law ſuch Rebels againſt God and oppreſſors of thir Country. *p.* 190.

This *Goodman* was a Miniſter of the *Engliſh* Church at *Geneva*, as *Dudley Fenner* was at *Middleburrough*, or ſome other place in that Country. Theſe were the Paſtors of thoſe Saints and Confeſſors who flying from the bloudy perſecution of Queen *Mary*, gather'd up at length thir ſcatterd members into many Congregations; whereof ſom in upper, ſome in lower *Germany*, part of them ſettl'd at *Geneva*; where this Author having preachd on this ſubject to the great liking of certain lerned and godly men who heard him, was by them ſundry times & with much inſtance requir'd to write more fully on that point. Who therupon took it in hand, and conferring with the beſt lerned in thoſe parts (among whom *Calvin* was then living in the ſame City) with their ſpecial approbation he publiſht this treatiſe, aiming principally, as is teſtify'd by *Whittingham* in the Preface, that his Brethren of *England*, the Proteſtants, might be perſwaded in the truth of that Doctrine concerning obedience to Magiſtrates. *Whittingham in Prefat.*

Theſe were the true Proteſtant Divines of *England*, our fathers in the faith we hold; this was their ſenſe, who for ſo many yeares labouring under Prelacy, through all ſtormes and perſecutions kept Religion from extinguiſhing, and deliverd it pure to us, till there aroſe a covetous and ambitious generation of Divines (for Divines they call themſelves) who feining on a ſudden to be new converts

verts and proſelytes from Epiſcopacy, under which they had long temporiz'd, op'nd thir mouthes at length, in ſhew againſt Pluralities and Prelacy, but with intent to ſwallow them down both; gorging themſelves like Harpy's on thoſe ſimonious places and preferments of thir outed predeceſſors, as the quarry for which they hunted, not to pluralitie onely but to multiplicitie: for poſſeſſing which they had accuſd them thir Brethren, and aſpiring under another title to the ſame authoritie and uſurpation over the conſciences of all men.

Of this faction diverſe reverend and lerned Divines, as they are ſtil'd in the Phylactery of thir own Title page, pleading the lawfulnes of defenſive Armes againſt this King, in a Treatiſe ca'l'd *Scripture and Reaſon*, ſeem in words to diſclaime utterly the depoſing of a King; but both the Scripture and the reaſons which they uſe, draw conſequences after them, which without their bidding, conclude it lawfull. For if by Scripture, and by that eſpecially to the *Romans*, which they moſt inſiſt upon, Kings, doing that which is contrary to Saint *Pauls* definition of a Magiſtrat, may be reſiſted, they may altogether with as much force of conſequence be depos'd or puniſhd. And if by reaſon the unjuſt autority of Kings *may be forfeted in part, and his power be reaſſum'd in part, either by the Parlament or People, for the caſe in hazard and the preſent neceſſitie*, as they affirm *p.* 34, there can no Scripture be alleg'd, no imaginable reaſon giv'n, that neceſſity continuing, as it may alwayes, and they in all prudence and thir duty may take upon them to foreſee it, why in ſuch a caſe they may not

not finally amerce him with the loss of his Kingdom, of whose amendment they have no hope. And if one wicked action persisted in against Religion, Lawes, and liberties, may warrant us to thus much in part, why may not forty times as many tyrannies, by him committed, warrant us to proceed on restraining him, till the restraint become total. For the ways of justice are exactest proportion; if for one trespass of a King it require so much remedie or satisfaction, then for twenty more as hainous crimes, it requires of him twentyfold; and so proportionably, till it com to what is utmost among men. If in these proceedings against thir King they may not finish by the usual cours of justice what they have begun, they could not lawfully begin at all. For this golden rule of justice and moralitie, as well as of Arithmetic, out of three termes which they admitt, will as certainly and unavoydably bring out the fourth, as any Probleme that ever *Euclid*; or *Apollonius* made good by demonstration.

And if the Parlament, being undeposable but by themselves, as is affirm'd, *p.* 37, 38, might for his whole life, if they saw cause, take all power, authority, and the sword out of his hand, which in effect is to unmagistrate him, why might they not, being then themselves the sole Magistrates in force, proceed to punish him who being lawfully depriv'd of all things that define a Magistrate, can be now no Magistrate to be degraded lower, but an offender to be punisht. Lastly, whom they may defie, and meet in battell, why may they not as well prosecute by justice? For lawfull warr is

but the execution of juſtice againſt them who refuſe Law. Among whom if it be lawfull (as they deny not, *p.* 19, 20.) to ſlay the King himſelf comming in front at his own peril, wherfore may not juſtice doe that intendedly, which the chance of a defenſive warr might without blame have don caſually, nay purpoſely, if there it finde him among the reſt. They aske *p.* 19. *By what rule of Conſcience or God, a State is bound to ſacrifice Religion, Laws and liberties, rather then a Prince defending ſuch as ſubvert them, ſhould com in hazard of his life.* And I aſk by what conſcience, or divinity, or Law, or reaſon, a State is bound to leave all theſe ſacred concernments under a perpetual hazard and extremity of danger, rather then cutt off a wicked Prince, who ſitts plotting day and night to ſubvert them: They tell us that the Law of nature juſtifies any man to defend himſelf, eev'n againſt the King in Perſon: let them ſhew us then why the ſame Law, may not juſtifie much more a State or whole people, to doe juſtice upon him, againſt whom each privat man may lawfully defend himſelf; ſeing all kind of juſtice don, is a defence to good men, as well as a puniſhment to bad; and juſtice don upon a Tyrant is no more but the neceſſary ſelf-defence of a whole Common wealth. To Warr upon a King, that his inſtruments may be brought to condigne puniſhment, and theraftter to puniſh them the inſtruments, and not to ſpare onely, but to defend and honour him the Author, is the ſtrangeſt peece of juſtice to be call'd Chriſtian, and the ſtrangeſt peece of reaſon to be call'd human, that by men of reverenee and learning

ing, as thir ſtile imports them, ever yet was vented. They maintain in the third and fourth Section, that a Judge or inferior Magiſtrate, is anointed of God, is his Miniſter, hath the Sword in his hand, is to be obey'd by St. *Peters* rule, as well as the Supreme, and without difference any where expreſt: and yet will have us fight againſt the Supreme till he remove and puniſh the inferior Magiſtrate (for ſuch were greateſt Delinquents) when as by Scripture, and by reaſon, there can no more autority be ſhown to reſiſt the one then the other; and altogether as much, to puniſh or depoſe the Supreme himſelf, as to make Warr upon him, till he puniſh or deliver up his inferior Magiſtrates, whom in the ſame terms we are commanded to obey, and not to reſiſt. Thus while they, in a cautious line or two here and there ſtuft in, are onely verbal againſt the pulling down or puniſhing of Tyrants, all the Scripture and the reaſon which they bring, is in every leafe direct and rational to inferr it altogether as lawful, as to reſiſt them. And yet in all thir Sermons, as hath by others bin well noted, they went much furder. For Divines, if ye obſerve them, have thir poſtures, and thir motions no leſs expertly, and with no leſs variety then they that practice feats in the Artillery-ground. Sometimes they ſeem furiouſly to march on, and preſently march counter; by and by they ſtand, and then retreat; or if need be can face about, or wheele in a whole body, with that cunning and dexterity as is almoſt unperceavable; to winde themſelves by ſhifting ground into places of more advantage. And Pro-

vidence onely must be the drumm, Providence the word of command, that calls them from above, but always to som larger Benefice, or acts them into such or such figures, and promotions. At thir turnes and doublings no men readier; to the right, or to the left; for it is thir turnes which they serve cheifly; heerin only singular; that with them there is no certain hand right or left; but as thir own commodity thinks best to call it. But if there come a truth to be defended, which to them, and thir interest of this world seemes not so profitable, strait these nimble motionists can finde no eev'n leggs to stand upon: and are no more of use to reformation throughly performd, and not superficially, or to the advancement of Truth (which among mortal men is alwaies in her progress) then if on a sudden they were strook maime, and crippl'd. Which the better to conceale, or the more to countnance by a general conformity to thir own limping, they would have *Scripture*, they would have *reason* also made to halt with them for company; and would putt us off with impotent conclusions, lame and shorter then the premises. In this posture they seem to stand with great zeale and confidence on the wall of *Sion*; but like *Jebusites*, not like *Israelites*, or *Levites*: blinde also as well as lame, they discern not *David* from *Adonibezec*: but cry him up for the Lords anointed, whose thumbs and great toes not long before they had cut off upon thir Pulpit cushions. Therfore he who is our only King, the root of *David*, and whose Kingdom is eternal righteousnes, with all those

that

that Warr under him, whose happiness and final hopes are laid up in that only just & rightful kingdom (which we pray incessantly may com soon, and in so praying wish hasty ruin and destruction to all Tyrants) eev'n he our immortal King, and all that love him, must of necessity have in abomination these blind and lame Defenders of *Jerusalem*; as the soule of *David* hated them, and forbid them entrance into Gods House, and his own. But as to those before them, which I cited first (and with an easie search, for many more might be added) as they there stand, without more in number, being the best and chief of Protestant Divines, we may follow them for faithful Guides, and without doubting may receive them, as Witnesses abundant of what wee heer affirme concerning Tyrants. And indeed I find it generally the cleere and positive determination of them all, (not prelatical, or of this late faction subprelatical) who have writt'n on this argument; that to doe justice on a lawless King, is to a privat man unlawful, to an inferior Magistrate lawfull: or if they were divided in opinion, yet greater then these here alleg'd, or of more autority in the Church, there can be none produc'd. If any one shall goe about by bringing other testimonies to disable these, or by bringing these against themselves in other cited passages of thir Books, he will not only faile to make good that fals and impudent assertion of those mutinous Ministers, that the deposing and punishing of a King or Tyrant, *is against the constant Judgement of all Protestant Divines*, it being quite

quite the contrary, but will prove rather, what perhaps he intended not, that the judgement of Divines, if it be ſo various and inconſtant to it ſelf, is not conſiderable, or to be eſteem'd at all. Ere which be yeilded, as I hope it never will, theſe ignorant aſſertors in thir own art will have prov'd themſelves more and more, not to be Proteſtant Divines, whoſe conſtant judgement in this point they have ſo audaciouſly bely'd, but rather to be a pack of hungrie Church-wolves, who in the ſteps of *Simon Magus* thir Father, following the hot ſent of double Livings and Pluralities, advouſons, donatives, inductions, and augmentations, though uncall'd to the Flock of Chriſt, but by the meer ſuggeſtion of thir Bellies, like thoſe Prieſts of *Bel*, whoſe pranks *Daniel* found out; have got poſſeſſion, or rather ſeis'd upon the Pulpit, as the ſtrong hold and fortreſs of thir ſedition and rebellion againſt the civil Magiſtrate. Whoſe friendly and victorious hand having reſcu'd them from the Biſhops thir inſulting Lords, fed them plenteouſly, both in public and in privat, rais'd them to be high and rich of poore and baſe; onely ſuffer'd not thir covetouſneſs & fierce ambition, which as the pitt that ſent out thir fellowlocuſts, hath bin ever bottomleſs and boundleſs, to interpoſe in all things, and over all perſons, thir impetuous ignorance and importunity.

THE END.